

## R430-90-16 and R430-50-16: INFECTION CONTROL

### Purpose

This section provides rules and information about reducing the spread of infections and infectious diseases.

### General Information

Although licensing does not have any specific rules regarding Cytomegalovirus (CMV) Infection we feel it is important for providers to be aware of what it is. The following information is from the Mayo Clinic. More detailed information can found on their website,

<http://www.mayoclinic.org/diseases-conditions/cmv/basics/definition/con-20029514>.

CMV is a common virus that can infect almost anyone. Most people don't know they have CMV because it rarely causes symptoms. However, if you're pregnant or have a weakened immune system, CMV is cause for concern. Once infected with CMV, your body retains the virus for life. However, CMV usually remains dormant if you're healthy. CMV spreads from person to person through body fluids, such as blood, saliva, urine, semen and breast milk. CMV spread through breast milk usually doesn't make the baby sick. However, if you are pregnant and develop an active infection, you can pass the virus to your baby. There's no cure for CMV, but drugs can help treat newborns and people with weak immune systems.

Handwashing is the most important way to reduce the spread of infection. Many studies have shown that unwashed or improperly washed hands are the primary carriers of infection. Deficiencies in handwashing have contributed to many outbreaks of diarrhea among children and caregivers in child care centers. In centers that have implemented a handwashing training program, the incidents of diarrheal illness has decreased by 50%. One study also found that handwashing helped to reduce colds when frequent proper handwashing practices were incorporated into a child care center's curriculum. *CFOC, 3<sup>rd</sup> Ed. pgs. 110-111 Standard 3.2.2.1, pg. 114 Standard 3.2.3.1*

Illness can be spread in a variety of ways that can be reduced with proper handwashing, including:

- in human waste (urine, stool)
- in body fluids (saliva, nasal discharge, secretions from open injuries, eye, discharge, blood, etc.)
- through cuts or skin sores
- by direct skin-to-skin contact
- by touching an object that has germs on it
- in drops of water that travel through the air, such as those produced by sneezing or coughing. *CFOC, 3<sup>rd</sup> Ed. pgs. 100-111 Standard 3.2.2.1*

Since many infected people carry communicable diseases without having symptoms and many are contagious before they experience a symptom, staff members need to protect both themselves and children by following good hygiene practices on a routine basis. *CFOC, 3<sup>rd</sup> Ed. pgs. 100-111 Standard 3.2.2*

Using liquid soap is preferable over bar soap. Bar soaps sitting in water have been shown to be heavily contaminated with pseudomonas and other bacteria. In addition, many children do not have the dexterity to handle a bar of soap, and many adults and children do not take the time to rise off the soil that has gotten on the bar of soap before putting it down. *CFOC, 3<sup>rd</sup> Ed. pgs. 258-259 Standard 5.6.0.3*

**Licensed Family 90-16 and Residential Certificate 50-16:**

(1) All providers and volunteers shall wash their hands with soap and running water at the following times:

- (a) before handling or preparing food or bottles;
- (b) before and after eating meals and snacks or feeding a child;
- (c) after diapering each child;
- (d) after using the toilet or helping a child use the toilet;
- (e) after coming into contact with any body fluid;
- (f) after playing with or handling animals;
- (g) when coming in from outdoors; and
- (h) before administering medication.

**Rationale / Explanation**

Running water over the hands removes soil, including infection-causing organisms. Wetting the hands before applying soap helps create a lather. The soap lather loosens soil and brings it into the solution on the surface of the skin. Rinsing the lather off into a sink removes the soil from the hands that the soap loosened. Warm water (no less than 60 degrees Fahrenheit and no more than 120 degrees) is more comfortable than cold water, which increases the likelihood that children and adults will adequately rinse their hands.

Using liquid soap is preferable over bar soap. Bar soaps sitting in water have been shown to be heavily contaminated with pseudomonas and other bacteria. In addition, many children do not have the dexterity to handle a bar of soap and many adults and children do not take the time to rise off the soil that has gotten on the bar of soap before putting it down. *CFOC, 3<sup>rd</sup> Ed. pgs. 258-259 Standard 5.6.0.3*

Using a paper towel to turn off the faucet after handwashing can prevent the re-contamination of just-washed hands by germs on the faucet. *CFOC, 3<sup>rd</sup> Ed. pgs. 111-112 Standard 3.2.2.2*

**Enforcement**

**Level 2 Noncompliance** if handwashing does not take place after a caregiver uses the toilet or after changing a diaper.

**Level 3 Noncompliance** otherwise.

If there is no visible dirt, grim or body fluids, hand sanitizers may be used to meet the hand washing requirements for adults and children age 2 and older.

A provider in the room giving instructions or observing is not helping. But, if a caregiver is doing any hands on help, such as lifting child on or off the toilet, it is helping.

If a snack is given to a distressed child, a finding will not be issued if the care giver and child did not wash their hands. The snack must be given only to that child and must be handed directly to the child.

**Licensed Family 90-16:**

(2) The licensee shall ensure that each child washes his or her hands with soap and running water at the following times:

- (a) before and after eating meals and snacks;
- (b) after using the toilet;
- (c) after coming into contact with any body fluid; and
- (d) when coming in from outdoors.

**Residential Certificate 50-16:**

- (2) The certificate holder shall ensure that each child washes his or her hands with soap and running water at the following times:
- (a) before and after eating meals and snacks;
  - (b) after using the toilet;
  - (c) after coming into contact with any body fluid; and
  - (d) when coming in from outdoors.

**Rationale / Explanation**

Washing hands after eating is especially important for children who eat with their hands to decrease the amount of saliva (which may contain organisms) on their hands. Good handwashing after playing in sandboxes will help prevent ingesting parasites that can be present in contaminated sand and soil. Animals, including pets, are a source of infection for people, and people may be a source of infection for animals. *CFOC, 3<sup>rd</sup> Ed. pgs. 100-111 Standard 3.2.2.1*

Running water over the hands removes soil, including infection-causing organisms. Wetting the hands before applying soap helps create a lather. The soap lather loosens soil and brings it into the solution on the surface of the skin. Rinsing the lather off into a sink removes the soil from the hands that the soap loosened. Warm water (no less than 60 degrees Fahrenheit and no more than 120 degrees) is more comfortable than cold water, which increases the likelihood that children and adults will adequately rinse their hands.

Using liquid soap is preferable over bar soap. Bar soaps sitting in water have been shown to be heavily contaminated with pseudomonas and other bacteria. In addition, many children do not have the dexterity to handle a bar of soap and many adults and children do not take the time to rise off the soil that has gotten on the bar of soap before putting it down. *CFOC, 3<sup>rd</sup> Ed. pgs. 258-259 Standard 5.6.0.3*

**Enforcement**

**Level 2 Noncompliance** if handwashing does not take place after a child uses the toilet.

**Level 3 Noncompliance** otherwise.

If there is no visible dirt, grime or body fluids, hand sanitizers may be used to meet the hand washing requirements for adults and children age 2 and older.

If a snack is given to a distressed child, a finding will not be issued if the care giver and child did not wash their hands. The snack must be given only to that child and must be handed directly to the child.

During fire or disaster drills, if the children go outside and go right back inside they are not required to wash their hands. If the children are allowed to play outside during and after the drills, they are required to wash their hands.

**Licensed Family 90-16 and Residential Certificate 50-16:**

- (3) During outdoor play time, the requirements of Subsections (1) and (2) may be met by having each provider, volunteer, and child clean his or her hands with individual disposable wet wipes and hand sanitizer.

**Licensed Family 90-16:**

- (4) Only single-use paper towels or individually labeled cloth towels shall be used to dry a child's hands. If cloth towels are used, they shall not be shared by children, providers, or volunteers, and a provider shall wash the towels daily.

#### Rationale / Explanation

Shared hand drying towels can transmit infectious disease. Preventing shared use of individual towels assigned to a single child is difficult. *3<sup>rd</sup> Ed. pgs. 111-112 Standard 3.2.2.2*

#### Enforcement

**Always Level 3 Noncompliance.**

#### Licensed Family 90-16:

**(5) The licensee shall ensure that toilet paper is accessible to each child, and that it is kept in a dispenser.**

#### Residential Certificate 50-16:

**(4) The certificate holder shall ensure that toilet paper is accessible to each child, and that it is kept in a dispenser.**

#### Rationale / Explanation

The purpose of this rule to prevent the spread of disease through fecal matter. If toilet paper is not on a dispenser, children pick it up with hands that may be contaminated with fecal matter, which remains on the roll and is transferred to the next child when he or she picks the roll up. *CFOC, 3<sup>rd</sup> Ed. pgs. 258-259 Standard 5.6.0.3*

#### Enforcement

**Always Level 3 Noncompliance.**

Toilet paper is not considered accessible unless the child can reach it while they are sitting on the toilet.

Potty chairs are not a toilet so toilet paper does not need to be accessible to the child on the potty chair.

As long as children can get toilet paper without touching the toilet paper roll, any dispenser may be used.

#### Licensed Family 90-16:

**(6) The licensee shall ensure that children are taught proper hand washing techniques, and shall oversee hand washing whenever possible.**

#### Residential Certificate 50-16:

**(5) The certificate holder shall ensure that children are taught proper hand washing techniques, and shall oversee hand washing whenever possible.**

#### Rationale / Explanation

Children need to be taught effective handwashing procedures, and helped to use them in actual practice. This will help to ensure that proper handwashing takes place at needed times. For more information on the importance of proper handwashing, see numbers (1) and (2) above. *CFOC, 3<sup>rd</sup> Ed. pgs. 112-113 Standards 3.2.2.3, 3.2.2.4*

#### Enforcement

**Always Level 3 Noncompliance.**

#### Licensed Family 90-16:

**(7) Personal hygiene items such as toothbrushes, or combs and hair accessories that are not sanitized between each use, shall not be shared by children or used by a provider on more than one child. Each child's items shall be stored so that they do not touch another child's items.**

**Residential Certificate 50-15:**

**(6) Personal hygiene items such as toothbrushes, or combs and hair accessories that are not sanitized between each use, shall not be shared by children or used by a provider on more than one child. Each child's items shall be stored so that they do not touch another child's items.**

**Rationale / Explanation**

Respiratory, gastrointestinal, and skin infections such as lice, scabies, and ringworm, are among the most common infectious diseases in child care. These diseases are transmitted by direct skin-to-skin contact and by sharing personal items such as combs, brushes, towels, clothing, and bedding. Toothbrushes are contaminated with infectious agents from the mouth and must not be allowed to serve as a conduit of infection from one child to another. *CFOC, 3<sup>rd</sup> Ed. pgs. 102-103 Standard 3.1.5.2 pg. 136 Standard 3.6.1.5*

**Enforcement**

**Always Level 3 Noncompliance.**

Personal hygiene items include make-up and lip balm (such as Chap Stick).

Hats and head bands will not be assessed as personal hygiene items.

**Licensed Family 90-16:**

**(8) The licensee shall ensure that all washable toys and materials are cleaned and sanitized after each 5 days of use, or more often if needed.**

**Residential Certificate 50-16:**

**(7) The certificate holder shall ensure that all washable toys and materials are cleaned and sanitized as needed.**

**Rationale / Explanation**

Contamination of toys and other objects in child care areas plays a role in the transmission of disease in child care settings. All toys can spread disease when children touch the toys after putting their hands in their mouth during play or eating, or after toileting with inadequate handwashing. Using a mechanical dishwasher is an acceptable labor-saving approach for plastic toys as long as the dishwasher can wash and sanitize the surfaces. *CFOC, 3<sup>rd</sup> Ed. pgs. 116-118, Standards 3.3.0.1, 3.3.0.2*

**Enforcement**

**Always Level 3 Noncompliance.**

A finding to this rule will be issued if toys or materials are visibly dirty during an inspection, or if a Licensee/Certificate Holder states he/she does not clean and sanitize all washable toys and materials after each 5 days of use.

Rubbing alcohol cannot be used as a sanitizer.

**Licensed Family 90-16:**

**(9) Stuffed animals, cloth dolls, and dress-up clothes must be machine washable. Pillows must be machine washable, or have removable covers that are machine washable. The licensee shall ensure that all stuffed animals, cloth dolls, dress-up clothes, and pillows or covers are washed after each 5 days of use, or more often if needed.**

**Residential Certificate 50-15:**

**(8) Stuffed animals, cloth dolls, and dress-up clothes must be machine washable. Pillows must be machine washable, or have removable covers that are machine washable. The certificate holder shall ensure that all stuffed animals, cloth dolls, dress-up clothes, and pillows or covers are washed after each 5 days of use, or more often if needed.**

**Rationale / Explanation**

Contamination of toys and other objects in child care areas plays a role in the transmission of disease in child care settings. All toys can spread disease when children touch the toys after putting their hands in their mouth during play or eating, or after toileting with inadequate handwashing. *CFOC, 3<sup>rd</sup> Ed. pgs. 116-118, Standards 3.3.0.1, 3.3.0.2*

Many allergic children have allergies to dust mites, which are microscopic insects that ingest the tiny particles of skin that people shed normally every day. Dust mites live in fabric, but can be killed by frequent washing and drying in a heated dryer. *CFOC, 3<sup>rd</sup> Ed. pg. 239 Standard 5.3.1.4*

Lice, scabies, and ringworm can also be spread through fabrics. *CFOC, 3<sup>rd</sup> Ed. pg. 118 Standard 3.3.0.4, pg. 136 Standard 3.6.1.5*

**Enforcement**

**Level 2 Noncompliance** if an item is visibly dirty with feces.

**Level 3 Noncompliance** otherwise.

A finding to this rule will be issued if these items are visibly dirty during an inspection or if the Licensee/Certificate Holder states he/she does not wash them after each 5 days of use.

Unless accessible to children, stuffed animals that are used for teaching activities or for decoration are not required to be washed weekly.

**Licensed Family 90-16:**

**(10) If a water play table or tub is used, the licensee shall ensure that the table or tub is washed and sanitized daily, and that each child washes his or her hands prior to engaging in the activity.**

**Residential Certificate 50-16:**

**(9) If a water play table or tub is used, the certificate holder shall ensure that the table or tub is washed and sanitized daily, and that each child washes his or her hands prior to engaging in the activity.**

**Rationale / Explanation**

The purpose of this rule is to avoid the spread of disease as multiple children's hands play in the water in water tables. Contamination of hands, toys, and equipment in the room where water play tables are located plays a role in the transmission of disease in child care settings. *CFOC, 3<sup>rd</sup> Ed. pg. 275 Standard 6.2.4.2*

**Enforcement**

**Always Level 3 Noncompliance.**

If there is no visible dirt, grime or body fluids, hand sanitizers may be used to meet the hand washing requirements for adults and children age 2 and older.

This rule applies to water play tables or tubs, not to sensory tables with items, such as rice, beans or sand in the them.

**Licensed Family 90-16:**

**(11) Persons with contagious TB shall not work with, assist with, or be present with any child in care.**

**Residential Certificate 50-16:**

**(10) Persons with contagious TB shall not work with, assist with, or be present with any child in care.**

**Rationale / Explanation**

The purpose of this rule is to prevent the spread of TB from infected adults to children. Young children acquire TB from infected adults or adolescents. Tuberculosis organisms are spread by the inhalation of small particles which are produced when an infected adult or adolescent coughs or sneezes. Transmission usually occurs in an indoor environment. *CFOC, 3<sup>rd</sup> Ed. pgs. 39-40 Standard 1.7.0.1*

**Enforcement**

**Always Level 1 Noncompliance.**

Because we are a very low risk population, providers are no longer required to be tested for TB.

**Licensed Family 90-16:**

**(12) A provider shall promptly change a child's clothing if the child has a toileting accident.**

**Residential Certificate 50-16:**

**(11) A provider shall promptly change a child's clothing if the child has a toileting accident.**

**Rationale / Explanation**

Containing and minimizing the handling of soiled clothing so it does not contaminate other surfaces is essential to prevent the spread of infectious disease. Soiled clothing can spread infectious disease agents as children play, walk around, or sit in classroom areas wearing wet or soiled clothing. Children can also get a skin rash from being in wet or soiled clothing too long. *CFOC, 3<sup>rd</sup> Ed. pgs. 108-110 Standard 3.2.1.5*

This rule is also intended to minimize the embarrassment of children who have toileting accidents.

**Enforcement**

**Always Level 2 Noncompliance.**

Being changed promptly means that as soon as the caregiver is aware that a child has had a toileting accident:

- the child is changed immediately if spare clothing is available.
- if no spare clothing is available, the child's parent is called and asked to bring spare clothing.
- if no spare clothing is available, the child is separated from other children until his/her parent can bring spare clothing.

**Licensed Family 90-16:**

**(13) If a child's clothing is wet or soiled from any body fluid, the licensee shall ensure that:**

- (a) the clothing is washed and dried; or**
- (b) the clothing is placed in a leakproof container, labeled with the child's name, and returned to the parent.**

**Rationale / Explanation**

Containing and minimizing the handling of soiled clothing so it does not contaminate other surfaces is essential to prevent the spread of infectious disease. Rinsing soiled clothing or putting stool into a toilet in the child care center increases the likelihood that other surfaces will be contaminated. *CFOC, 3<sup>rd</sup> Ed. pgs. 108-110 Standard 3.2.1.5*

## **Enforcement**

### **Always Level 3 Noncompliance.**

If a Licensee puts soiled clothing in a leakproof container and then puts the container in a child's diaper bag or cubbie, he/she will be considered in compliance with this rule.

Plastic grocery bags may be used for wet or soiled clothing only if they don't have holes in the bottom or sides. Grocery bags with holes in the bottom or sides cannot be used because they are not leakproof. A bag without holes that still leaks when holding wet or soiled clothes cannot be used.

### **Licensed Family 90-16:**

**(14) If a child uses a potty chair, the licensee shall ensure that it is cleaned and sanitized after each use.**

### **Residential Certificate 50-16:**

**(12) If a child uses a potty chair, the certificate holder shall ensure that it is cleaned and sanitized after each use.**

## **Rationale / Explanation**

The purpose of this rule is to prevent the spread of disease through fecal matter or the growth of disease-causing microorganisms in urine or stool that sit in potty chairs over time. It is also necessary in order to prevent naturally curious toddlers from playing in urine or feces that may be in potty chairs after they are used. *CFOC, 3<sup>rd</sup> Ed. pgs. 246-247 Standard 5.4.1.7*

Because of the difficulties in the sanitary handling of potty chairs, the American Academy of Pediatrics and the American Public Health Association recommend that they not be used.

## **Enforcement**

**Level 2 Noncompliance** if there are visible feces left in or on the potty chair.

**Level 3 Noncompliance** otherwise.

Potty chairs do not have to be cleaned and sanitized when children just sit on them and do nothing. The potty chair is consider used when it collects urine or feces.

### **Licensed Family 90-16:**

**(15) Except for diaper changes, which are covered in Section R430-90-23, and children's clothing that is soiled from a toileting accident, which is covered in Subsection R430-90-16(16), the licensee shall ensure that the following precautions are taken when cleaning up blood, urine, feces.**

- (a) The person cleaning up the substance shall wear waterproof gloves;**
- (b) the surface shall be cleaned using a detergent solution;**
- (c) the surface shall be rinsed with clean water;**
- (d) the surface shall be sanitized;**
- (e) if disposable materials such as paper towels or other absorbent materials are used to clean up the body fluid, they shall be disposed of in a leakproof plastic bag;**
- (f) if non-disposable materials, such as a cleaning cloth, mop, or re-usable rubber gloves are used to clean up the body fluid, they shall be washed and sanitized before reuse; and**
- (g) the person cleaning up the fluid shall wash his or her hands after cleaning up the body fluid.**



#### **Residential Certificate 50-16:**

**(13) Except for diaper changes, which are covered in Section R430-50-23, the certificate holder shall ensure that the following precautions are taken when cleaning up blood, urine, feces, vomit.**

- (a) The person cleaning up the substance shall wear waterproof gloves;**
- (b) the surface shall be cleaned using a detergent solution;**
- (c) the surface shall be rinsed with clean water;**
- (d) the surface shall be sanitized;**
- (e) if disposable materials such as paper towels or other absorbent materials are used to clean up the body fluid, they shall be disposed of in a leakproof plastic bag;**
- (f) if non-disposable materials, such as a cleaning cloth, mop, or re-usable rubber gloves are used to clean up the body fluid, they shall be washed and sanitized before reuse; and**
- (g) the person cleaning up the fluid shall wash his or her hands after cleaning up the body fluid.**

#### **Rationale / Explanation**

Children and adults may unknowingly be infected with infectious agents such as hepatitis B, HIV, or other infectious agents found in blood. Blood and body fluids containing blood (such as water discharges from injuries) pose the highest potential risk, because bloody body fluids contain the highest concentration of viruses. In addition, the hepatitis B virus can survive in a dried state for at least a week and perhaps even longer. Some other body fluids such as saliva contaminated with blood or blood-associated fluids may contain live viruses but at lower concentrations than are found in blood itself. Many other types of infectious germs may be contained in human waste and other body fluids. Because many people carry such communicable diseases without having symptoms, and many are contagious before they experience symptoms, adults and children alike need to be protected by following safe procedures for handling body fluids. *CFOC, 3<sup>rd</sup> Ed. pgs. 30-31 Standard 1.4.5.3 pgs. 114-116 Standard 3.2.3.4*

*See CFOC, 3<sup>rd</sup> Ed. pg. 444 Appendix L for an instruction page on proper clean up of body fluids. See CFOC, 3<sup>rd</sup> Ed. pg. 428 Appendix D for information on removing disposable gloves after cleaning up body fluids.*

#### **Enforcement**

**Always Level 3 Noncompliance.**

If there is no visible dirt, grime or body fluids, hand sanitizers may be used to meet the hand washing requirements for adults and children age 2 and older.

A provider may rinse clothing soiled with a body fluid in a sink only when the sink used is in a room or area that is inaccessible to any child in care.

#### **Licensed Family 90-16:**

**(16) The licensee shall ensure that any child who is ill with an infectious disease is separated from any other children in care in a safe, supervised location.**

#### **Residential Certificate 50-16:**

**(14) The certificate holder shall ensure that any child who is ill with an infectious disease is separated from any other children in care in a safe, supervised location.**

#### **Rationale / Explanation**

The purpose of these rules is to prevent ill children from spreading infectious disease to other children. In addition, ill children are often too sick to participate comfortably in regular program activities. *CFOC, 3<sup>rd</sup> Ed. pgs. 130-131 Standard 3.5.50.2, pgs. 131-134 Standard 3.6.1.1, pg. 136 Standard 3.6.1.4, pgs. 145-146 Standard 3.6.4.4*

Secondary spread of infectious disease has been proven to occur in child care. Removal of children known or

suspected of contributing to an outbreak will help to limit transmission of the disease by preventing the development of new cases. *CFOC, 3<sup>rd</sup> Ed. pgs. 130-131 Standard 3.5.50.2, pgs. 131-134 Standard 3.6.1.1, pg. 136 Standard 3.6.1.4, pgs. 145-146 Standard 3.6.4.4*

Symptoms which may indicate an infectious disease include:

- a fever of 101 degrees or higher for infants younger than 4 months of age, or a fever of 102 or greater for children age 4 months and older
- an unexplained rash
- irritability
- lethargy
- a persistent cough
- vomiting
- diarrhea
- infected eyes with discharge

### **Enforcement**

**Always Level 2 Noncompliance.**

#### **Licensed Family 90-16:**

**(17) The licensee shall ensure that a parent of any child who becomes ill after arrival is contacted as soon as the illness is observed or suspected.**

#### **Residential Certificate 50-16:**

**(15) The certificate holder shall ensure that a parent of any child who becomes ill after arrival is contacted as soon as the illness is observed or suspected.**

### **Rationale / Explanation**

The purpose of these rules is to prevent ill children from spreading infectious disease to other children. In addition, ill children are often too sick to participate comfortably in regular program activities. *CFOC, 3<sup>rd</sup> Ed. pgs. 130-131 Standard 3.5.50.2, pgs. 131-134 Standard 3.6.1.1, pg. 136 Standard 3.6.1.4, pgs. 145-146 Standard 3.6.4.4*

### **Enforcement**

**Always Level 3 Noncompliance.**

#### **Licensed Family 90-16:**

**(18) The licensee shall ensure that the parents of every child in care are informed when any person in the home or child in care has an infectious disease or parasite. Parents shall be notified the day the infectious disease or parasite is discovered.**

#### **Residential Certificate 50-16:**

**(16) The certificate holder shall ensure that the parents of every child in care are informed when any person in the home or child in care has an infectious disease or parasite. Parents shall be notified the day the infectious disease or parasite is discovered.**

### **Rationale / Explanation**

Notification of parents also allows them to closely observe their child for early signs and symptoms of illness. Early identification and treatment of infectious disease are important in reducing further transmission of the disease. *CFOC, 3<sup>rd</sup> Ed. pg. 145 Standard 3.6.4.2*

### **Enforcement**

**Always Level 2 Noncompliance.**